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Epicentric, Inc. Health and Welfare Plan

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ILLIENA VOLYNSKAYA,

Plaintiff,

vs.

EPICENTRIC, INC. HEALTH AND
WELFARE PLAN, an ERISA plan,

Defendant.

CASE NO.: CV-04-00839-SI

**STIPULATION OF COUNSEL FOR
THIRTY-DAY EXTENSION OF
BRIEFING SCHEDULE;
~~PROPOSED~~ ORDER THEREON**

Counsel for Plaintiff Illiena Volynskaya and counsel for Defendant Epicentric, Inc. Health and Welfare Plan have discussed the current briefing schedule that will address the issues raised in the Ninth Circuit Court of Appeals' remand order to this Court based upon the *en banc* decision in *Abatie v. Alta Health & Life Insurance Company*, 458 F.3d 955 (9th Cir. 2006). Specifically, counsel have agreed to a thirty-day extension of all pending dates in light of the transfer of ongoing responsibility for this case within the legal department of Metropolitan Life Insurance Company (that person serves at the primary client contact for the Plan). Good cause exists to grant this Stipulation so that new in-house counsel will have ample time to review the underlying pleadings in this case so as to offer meaningful comments to the Plan's briefs.

Therefore, the parties (by and through their respective counsel) request that the briefing schedule be modified as follows:

Simultaneous opening briefs	September 10, 2007
Simultaneous reply briefs	September 24, 2007
Hearing	October 12, 2007 at 9:00 a.m.

DATED: August 6, 2007

LAW OFFICES OF CHARLES FLEISHMAN

By: /s/ Charles J. Fleishman (as authorized on 8/6/07)
 CHARLES J. FLEISHMAN
 Attorneys for Plaintiff
 Illiana Volynskaya

1 DATED: August 6, 2007

BARGER & WOLEN LLP

2
3 By: /s/ Robert K. Renner
4 ROBERT K. RENNER
5 Attorneys for Defendant
6 Epicentric, Inc. Health and Welfare Plan,
7 an ERISA plan
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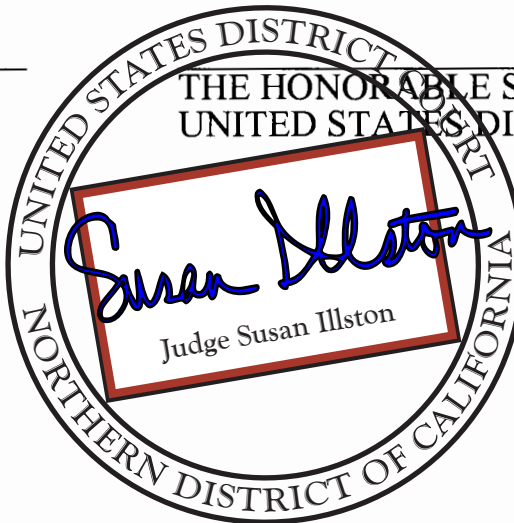
ORDER

Upon good cause shown, the briefing and hearing schedule previously set by the Court is continued as follows:

Simultaneous opening briefs	September 10, 2007
Simultaneous reply briefs	September 24, 2007
Hearing	October 12, 2007 at 9:00 a.m.

IT IS SO ORDERED.

DATED: 08/07/07



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is: Barger & Wolen LLP, 19800 MacArthur Boulevard, 8th Floor, Irvine, California 92612.

On **August 6, 2007**, I served the foregoing document(s) described as **STIPULATION OF COUNSEL FOR THIRTY-DAY EXTENSION OF BRIEFING SCHEDULE; [PROPOSED] ORDER THEREON** on the interested parties in this action by causing it to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document on individual(s) listed below:

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Attorneys for Plaintiff
Illiena Volynskaya

☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed at Irvine, California on **August 6, 2007**.

NAME: Derek Sutter


(Signature)